

D/L- 235
28/09/2026
Ct. No.- 6
Aritra

C.O. 3213 of 2026

**Baluhati Jabagousti Durgapuja Committee
Vs.
Sri Diptendu Kumar & Ors.**

Mr. Udaynarayan Betal

....for the petitioner

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray

....for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against a judgment and order dated May 11, 2026 passed by the learned District Judge, Howrah in Misc. Appeal No.176 of 2025.

The petitioner filed a suit praying for a declaration that the petitioner has right to perform Durga Puja on the schedule mentioned property. In the said suit the petitioner filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure and the learned trial judge by an order dated September 15, 2025 rejected the prayer for ad interim injunction.

Being aggrieved by such order, the petitioner preferred the Misc. Appeal No.176 of 2025 which stood dismissed by the impugned order.

When this matter is taken up for hearing the learned advocates for the respective parties uniformly submits that the parties have arrived at a settlement insofar as the performance of Durga Puja for the year 2026 on the

property, which is the subject matter of the said suit subject to the certain conditions.

The learned advocate appearing for the petitioner submits that in the meantime the petitioner approached the opposite parties seeking their permission to perform Durga Puja for the year 2026 on the suit property and Mr. Mahato, learned advocate appearing for the opposite parties submits that pursuant to the approach made by the petitioner, the opposite parties have allowed the petitioner to perform the Durga Puja for the year 2026 only on the suit property. Mr. Mahato further submits that the petitioner shall have to submit an undertaking before this Court that they shall not erect any permanent construction on the suit property and the temporary structure/pandal that may be erected by the petitioner shall be removed within a specified time frame. He further submits that the petitioner has stated that they shall withdraw the instant suit.

The learned advocate appearing for the petitioner also submits that the petitioner shall withdraw the suit.

In the light of the submissions made by the learned advocates for the respective parties, the instant civil revisional application stands disposed of with the following directions and observations”-

1. The petitioner shall file an undertaking by way of an affidavit before this Court on or before September 30, 2026, specifically stating therein that:-

(a) they shall not erect any permanent structure on the suit property and temporary structure/pandal shall be erected on the suit property only for the purpose of performing the Durga Puja for the year 2026 and in doing so, necessary care shall be taken to cause the least damage to the suit property;

(b) the work of dismantling the temporary structure/pandal shall commence immediately after the performance of the Lakshmi Pula i.e. on and from October 27, 2026;

(c) the entire work of dismantling of the temporary structure including removal of debris therefrom and restoration of the property to its original condition, shall be completed on or before November 4, 2026 at the cost of the petitioner.

2. The undertaking by way of an affidavit shall be filed by the President of the petitioner-club in the Department upon serving an advance copy of such affidavit to the learned advocate on record of the opposite parties on or before September 30, 2026.

It is, however, clarified that the act of seeking permission and grant of permission shall be without prejudice to the rights of the respective parties.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)